

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RICHIE HICKS,

Plaintiff,

v.

Case Number 07-15485

Honorable David M. Lawson

Magistrate Judge Virginia M. Morgan

HARRINGTON, BLAINE LAFLER,
K WASHINGTON, A GONZALES,
CRAWFORD, KELLOGG, JILL M.
SMITH, ANN Y. BURTON, and HUSS,

Defendants.

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ORDER ADOPTING REPORT AND RECOMMENDATION

Presently before the Court is the report issued on October 7, 2008, by Magistrate Judge Virginia M. Morgan pursuant to 28 U.S.C. § 636(b) recommending that this Court grant the defendants' motion for summary judgment or motion to dismiss and dismiss the case without prejudice so that the plaintiff can exhaust his administrative remedies. The magistrate judge also recommended that the Court dismiss defendant Harrington pursuant to the screening requirement of 42 U.S.C. § 1997e(a).

Although the magistrate judge's report explicitly stated that the parties to this action may object to and seek review of the recommendation within ten days of service of the report, no objections have been filed. The parties' failure to file objections to the Report and Recommendation waives any further right to appeal. *Smith v. Detroit Federation of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the motion. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the Magistrate Judge.

Accordingly, it is **ORDERED** that the Magistrate Judge's Report and Recommendation [dkt # 36] is **ADOPTED**.

It is further **ORDERED** that the defendants' motion for summary judgment [dkt. #18] and defendant Burton's motion to dismiss [dkt. #19] are **GRANTED**. The plaintiff's complaint is **DISMISSED WITHOUT PREJUDICE**.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: October 28, 2008

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on October 28, 2008.

s/Felicia M. Moses
FELICIA M. MOSES